

Browning Public Schools

Department of Finance
129 First Avenue S.E.
P.O. Box 610
Browning, MT 59417-0610
Phone (406) 338-2715 Fax (406) 338-2708



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AUG 27 2007

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TO: Federal Communications Commission
FROM: Gwyn M. Andersen, Director of Finance *Gwyn M. Andersen*
RE: CC Docket No. 02-6, Request for Waiver
DATE: August 20, 2007

This request is in regard to CC Docket No. 02-6.

I am attaching a copy of the denial of the Invoice Deadline Extension Request and it is my understanding that a denial of the April 21, 2006 Service Delivery Deadline Extension Request is on its way, however we are proceeding with this request for a waiver upon receipt of a verbal denial in the interest of time.

Just to give you a little perspective about Browning Public Schools, we are public school district in a remote area of Montana where 82% of our 2000 students qualify for free and reduced lunches. Technology equipment and the use of technology is very vital to our students as well as to the operation of our school district.

Funding Request for 2004

This issue began with eight 2004 Funding Requests for new servers and all the necessary components for use by Browning Public Schools. The original scope of these projects required a twelve month period to complete the delivery and installation of the various internal connections requested.

1/22/2005 - deadline of 10/2/2005

The Funding Commitment Decision Letters for the FRN'S was received on 1/22/2005 with an October 2, 2005 deadline. The purchase of the servers was to be made through Dell Inc. We received the first quotes from Dell on 1/11/2005 from Dell sales representative, James McDonald. Given the \$104,442 price tag and the nature of funding for schools we needed to push the purchase of those items into our next fiscal funding year which begins July 1.

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July 27 and 29, 2005

We received a second set of quotes from Dell on July 27, 2005 as the servers in the original quote were no longer available. The purchase orders were promulgated on that same day. Since the purchases were over \$5,000 permission to purchase needed to be secured by the Board of Trustees at a duly called and advertised public meeting. That meeting was held on August 9, 2005 and the purchases were approved and the purchase orders, according to our records were faxed on August 10, 2005 to Dell, Inc. By this time we were also working with our second Dell representative Christopher Dang. We have an email from Christopher Dang, dated July 29, 2005 that says, "Yes, I believe I received everything, it was a total of 19 pages for Erate."

April 21, 2006

Then on April 21, 2006 (well beyond the 9/30/2005 deadline) James McDonald from Dell sent an email to Mary Henderson with an attached **service delivery extension request** letter and an **invoice deadline extension request** letter which needed to be printed on district letterhead and sent to USAC. Those letters were drafted and sent that same day. **James McDonald says in his email "Because it has been six months from the Installation Deadline (10/1/2005), there is no way to predict if these extensions will be approved, but as we discussed, there is nothing to lose by trying."**

The erate process is actually quite complex and the extension process complex as well. The staff that was working on these requests were getting their guidance from Dell as they had never used this process before and I believe some misunderstandings between the people assisting them and our own staff resulted in the lack of timely filing.

Since the **invoice deadline extension request** referenced the **service delivery deadline extension**, the USAC staff made several attempts to get the **service delivery deadline extension** from Browning Public Schools as is evidence by emails between their staff and ours. (On May 23, 2006 USAC emailed our Director of Technology requesting another copy of the **service delivery extension request**.) Our staff replied that they had filed a form 500 so they thought they had taken care of the matter when in fact that form is not even used in the deadline extension process. The deadline extension that was requested in the **service delivery deadline extension** was December 31, 2006, however it was never approved. I am thinking that everyone assumed that the **service delivery deadline extension** request would be granted since the **invoice deadline extension request** had been granted.

May 24, 2006 – deadline September 30, 2006

USAC granted the **invoice deadline extension request** on May 24, 2006 for 120 days, which would have expired in September of 2006.

On May 31, 2006 we have an email from yet another person at Dell, Xavier "Harvey" Franco advising us that the extension would run out in less than 30 days. Thus, furthering my assumption that there was a lack of understanding about this process and the applicable deadlines.

September/October 2006

Dell emails 9/27/06, 9/28/06, 9/29/06, 10/2/06, 10/3/06. Dell says they received purchase orders in September. Yet, Browning Public Schools received yet another batch of quotes from Dell on 10/18/06 with yet another set of quote numbers and yet another sales representative, Ryan Nelson. The servers were shipped on 10/21 and 22/2006 and invoiced on 10/25/06 already outside of the deadline and no service delivery deadline request in place.

April 2007

In April of 2007 another **invoice deadline extension request** was generated with the reason being the pending original **service delivery extension request**. Just recently USAC did discover that the **service delivery deadline extension** was filed but in the wrong department at USAC, however the fact that it was prepared after the deadline made it impossible to grant the extension request.

It appears that each time we were assigned a new Dell representative new quotes had to be issued so that the representative would receive the commission for the sale. Consequently large gaps of time expired until finally we were completely outside of the timeline for the awarding of the Erate funding.

That brings us to today. Browning Public Schools has the servers on site and ready to install. This was a huge project. The fact remains, however, that we need the technology and we were granted the ability to move our system forward through erate funding. Because of the current budget constraints and the possibility that the erate funding may be denied we have returned 3 of the servers. I am asking on behalf of Browning Public Schools for the FCC to allow us this one waiver of the required deadlines in order to complete this project, get Dell Inc. paid for their equipment less those items that have been returned and upgrade the current technology at Browning Public Schools.

Thank you for your consideration of this request.

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129 First Avenue S.E.
P.O. Box 610
Browning, MT 59417-0610



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Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

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